

## CALFRESH (CF) PROGRAM REQUEST FOR POLICY/REGULATION INTERPRETATION

**INSTRUCTIONS:** Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST: 8/29/2016	NEED RESPONSE BY: 9/21/2016
2. REQUESTOR NAME:	6. COUNTY/ORGANIZATION: Yolo County	
3. PHONE NO.:	7. SUBJECT: PACF OI when CW AU exceeds IRT	
4. REGULATION CITE(S):	8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s).  ACL 12-25, ACL 14-77, ACL 14-42	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

When a CalWORKs AU receives income that exceeds IRT and the county is required to change the grant amount effective the following month, and create an overpayment if the county is unable to provide timely notice to the CalWORKs household, does the county also create an overissuance for the CalFresh based on the rule that states that when you act for CalWORKs you take action on the PA CalFresh?

Scenario: A CalWORKs AU receives income which exceeds their IRT on February 20th. According to the policy guidance provided in ACLs 12-25 and 14-77, the county would act to reduce the CalWORKs grant amount effective April 1, and because the county is unable to provide timely notice of the decreased grant they would provide the previous grant amount for March and then charge the AU with an overpayment for the difference between the prior grant and the reduced grant. (continued on next page)

10. REQUESTOR'S PROPOSED ANSWER:

Unsure, our hearings and IEVS units are currently processing overissuances for CF as outlined in option 2. on the next page.

They cite the below regulations:

ACL 12-25

CalFresh IRT Reporting Requirements

Under SAR, all CalFresh recipients subject to the IRT requirements are required to report mid-period when their income exceeds 130 percent of the FPL for their household size. While the two tiers of the CalWORKs IRT are not (next page)

11. STATE POLICY RESPONSE (CFPB USE ONLY):

Per ACL 15-95, the CW IRT is the PACF IRT, however, income over CW IRT does not automatically terminate CF benefits. It is simply a trigger to recalculate the CF benefits with the change in the CW benefits. Once CW is redetermined, the CF benefits continue at the new benefit level. If the CW benefits are terminated the recalculated CF benefits revert to 130% of the federal poverty limit.

Because there isn't enough time to issue the 10-day notice for March, the March benefits will continue at the same rate as in February with a timely notice of the upcoming change in benefits for April. Because the household reported timely, while an OP would be assessed in CalWORKs for April for the amount of the grant that was released at the higher amount, there would be no OI in CalFresh because the recipient timely reported.

### FOR CDSS USE

DATE RECEIVED: October 13, 2016	DATE RESPONDED TO COUNTY/ALJ: December 30, 2016 (WEB)
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# CALFRESH (CF) PROGRAM REQUEST FOR POLICY/REGULATION INTERPRETATION (Continued)

1. RESPONSE NEEDED DUE TO:		5. DATE OF REQUEST:	NEED RESPONSE BY:
<input type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:		6. COUNTY/ORGANIZATION:	
2. REQUESTOR NAME:		7. SUBJECT:	
3. PHONE NO.:		8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> NOTE: All requests must have a regulation cite(s) and/or a reference(s).	
4. REGULATION CITE(S):			

## 9: QUESTION (continued):

How would the county act for the PACF? Would we:

1. Act to reduce the PACF benefit amount effective April 1st and issue the previous (higher) benefit amount for March due to the fact that the county is unable to provide timely notice and NOT charge an overissuance for March?
2. Act to reduce the PACF benefit amount effective April 1st and issue the previous (high) benefit amount for March due to the fact that the county is unable to provide timely notice and charge and overissuance to the household for the difference between the previous benefit amount and the reduced benefit amount for March?

## 10. PROPOSED ANSWER (continued):

mandatory reports in CalFresh, when a report of income over the CalWORKs IRT is made that results in a change in the CalWORKs case, the allotment will also be recalculated in the companion CalFresh case.

### a. Report of Income Exceeding the IRT

The mid-period requirement to report income in excess of the CalWORKs IRT applies to the CalWORKs program only. CalFresh cases only need to report mid-period when their income exceeds 130 percent of the FPL. However, if CalWORKs benefits are decreased or discontinued due to the CalWORKs IRT, CWDs must also act to determine the impact on the household's CalFresh benefits (if the AU has a companion PACF case.) When income in excess of the CalWORKs IRT is reported, the CWD must determine if the AU remains financially eligible for CalWORKs benefits and if so, recalculate the grant amount for the remainder of the semi-annual period using the new amount of reasonably anticipated income.

HOWEVER, in ACL 12-25 (page 43) is also the following example:

Example 3: A non-exempt AU of three in Region 1 with no income is in the July through December semi-annual period. Their grant amount is \$638 and their IRT is \$850. On September 25 Mom reports that she got a new job in August and will be paid twice a month. She received her first two paychecks of \$475 on August 15 and 31. The AU's grant and allotment amount shall be recalculated based on this new income. Because the AU exceeded their IRT on August 31 and Mom did not report the income over IRT timely (by September 10, within 10 days of receipt) and there is no time to decrease the grant amount for October, her grant will be recalculated effective November 1, but she will have an OP in CalWORKs for the months of September and October. The CalFresh allotment amount will also be recalculated effective November 1; however, an OI will not be assessed because report of income over the CalWORKs IRT is not a mandatory report for CalFresh.

Which is correct? The argument here is that ACL 15-42 says that the PACF IRT is the CW IRT.